

In the Matter of Merchant Mariner's Document No. Z-822613 and all
other Licenses, Certificates and Documents
Issued to: FRANCIS MARION RICHESON

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

800

FRANCIS MARION RICHESON

This appeal has been taken in accordance with Title 46 United States Code 239(g) and Title 46 Code of Federal Regulations Sec. 137.11-1.

By order dated 1 November 1954, an Examiner of the United States Coast Guard at New York, New York, revoked Merchant Mariner's Document No. Z-822613 issued to Francis Marion Richeson upon finding him guilty of misconduct based upon two specifications alleging in substance that while serving as an oiler on board the American SS SAINT CHRISTOPHER under authority of the document above described, on or about 16 May 1954, while said vessel was in the port of Sasebo, Japan, he wrongfully struck the Third Assistant Engineer (First Specification); and he wrongfully threw a fire axe at the Chief Pumpman (Second Specification).

At the time of the service of the charge and specifications, Appellant was given a full explanation of the nature of the proceedings, the rights to which he was entitled and the possible results of the hearing. Since Appellant did not appear at the hearing, it was conducted in absentia and the Examiner entered plea of "not guilty" to the charge and each specification on behalf of the Appellant.

Thereupon, the Investigating Officer made his opening statement and introduced in evidence a certified copy of a Summary Court-Martial record, a certified copy of an entry in the Official Logbook of the SAINT CHRISTOPHER and a certified copy of extracts from the Shipping Articles of this ship.

At the conclusion of the hearing, the Examiner announced his findings and concluded that the charge had been proved by proof of the two specifications. He then entered the order revoking Appellant's Merchant Mariner's Document No. Z-822613 and all other licenses, certificates and documents issued to this Appellant by the United States Coast Guard or its predecessor authority.

From that order, this appeal has been taken, and it is urged

that Appellant was punished by court-martial for these offenses; he has no other livelihood after 10 years at sea; Appellant thought he had a reason for his conduct; and he would never again get in trouble if given another chance. Appellant requests that the order be modified to a one year suspension.

Based upon my examination of the record submitted, I hereby make the following

FINDINGS OF FACT

On 16 May 1954, Appellant was serving as an oiler on board the American SS SAINT CHRISTOPHER and acting under authority of his Merchant Mariner's Document No. Z-822613 while the ship was at Sasebo, Japan.

In the early morning of 16 May 1954, Appellant entered the quarters of the Third Assistant Engineer and attacked him. Appellant used his fists to batter the Third Assistant Engineer and injure him about the face. The Chief Pumpman separated the two men and stopped the fight.

At about 0800 on the same date, Appellant assaulted the Chief Pumpman for earlier coming to the assistance of the Third Assistant Engineer. The Chief Pumpman ran through a doorway and slammed the door just as Appellant threw a fire axe with such force that it struck the door and pierced it. Appellant was removed from the ship by the U. S. military authorities at approximately 1000.

Later on the date of 16 May 1954, Appellant was tried by a Summary Court-Martial on two specifications containing substantially the same allegations as are contained in the two specifications under consideration in this proceeding. Appellant was convicted on his pleas of guilty to the two specifications. He was fined \$100 and confined for ten days at hard labor.

There is no record of prior disciplinary action having been taken against Appellant's document.

OPINION

There is no doubt as to the sufficiency of the evidence in this case. Although the court-martial record is not res judicata in this proceeding, it makes out a prima facie case of assault and battery upon the Third Assistant Engineer in addition to an assault with a deadly weapon upon the Chief Pumpman. The latter incident might well have resulted in extremely serious injuries to the Chief Pumpman if he had not exercised the foresight to slam the door

between himself and Appellant. Thus, Appellant was guilty of gross disregard of authority and the safety of his fellow crew members in both of these instances.

Appellant's punishment by court-martial does not change the fact that a seaman who has been guilty of such conduct would continue to be a constant threat to the safety of other members of crews if he were permitted to sail on American merchant vessels. There is nothing in the record to support Appellant's claim that he had any reason for his acts. Since there do not appear to be any mitigating circumstances surrounding these two incidents, the order of revocation will be sustained despite appellant's prior clear record and the resulting personal hardship.

ORDER

The order of the Examiner dated 1 November 1954 at New York,
New York is AFFIRMED.

A. C. Richmond
Vice Admiral, United States Coast Guard
Commandant

Dated at Washington, D. C., this 26th day of April, 1955.